Please add the following new claims.

--43. (New) A game system according to claim 7, wherein the change state detecting means comprises at least one acceleration sensor enclosed within the cartridge.

44. (New) A game system according to claim 28, wherein the change state detector comprises at least one acceleration sensor enclosed within the cartridge.--

REMARKS

Reconsideration and allowance of this application are respectfully requested. Currently, claims 2-14, 23-35 and 43-44 are pending in this application.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached is captioned "**Version With Markings to Show Changes Made**."

Substitute Specification:

Applicant respectfully requests that the attached substitute specification be entered. Applicant has attached hereto a marked-up copy of the original specification including the changes provided in the substitute specification. Applicant hereby states that the substitute specification includes no new matter.

Rejections Under 35 U.S.C. §102 and §103:

Claims 2-5 and 23-26 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Rudell et al (U.S. '219, hereinafter "Rudell") in view of Mical et al (U.S. '647, hereinafter "Mical"). Applicant respectfully traverses this rejection.

In order to establish a prima facie case of obviousness, all of the claimed limitations must be taught or suggested by the prior art. Applicant respectfully submits that the combination of Rudell and Mical fails to teach or suggest all of the limitations required by claims 2-5 and 23-26. For example, Applicant submits that the combination fails to teach or suggest providing simulation related to at least one of an amount and a direction of a tilt applied to a housing of a game system such that the game space is put into a tilted state, as required by now independent claims 2 and 23 and their respective dependents.

The Office Action admits "Rudell lacks teaching the tilting of the apparatus to change game play functions." (See page 4, lines 5-6 of the Office Action). The Office Action then alleges that "...Mical teaches this feature (abstract; Fig. 2 and 3)." Applicant respectfully disagrees with this allegation.

Mical discloses rotating images on display screen 23. For example, col. 4, lines 2-3 of Mical teaches "...game apparatus 21 can be tilted or rotated about all three axes." However, the display of display screen 23 is rotated only upon the simultaneous depressing of switches 44 and 45. (See col. 5, lines 7-15 and col. 6, lines 17-21). During game play, a player utilizes switch 28 and buttons 40 and 41

or 40a and 41a in a conventional manner. Tilting housing 22 of Mical would not affect game play at all. That is, the game space is not put into a tilted state when housing 22 of Mical is tilted. Accordingly, while Mical discloses tilting the entire display of display screen 23 via the selection of switches 44 and 45, Mical fails to teach or suggest tilting housing 22 in order to change game play functions. Applicant therefore submits that Mical fails to teach or suggest providing simulation relating to an amount and/or direction of tilt applied to a housing of the system as required by claims 2 and 23.

Accordingly, even if Mical and Rudell were combined as proposed by the Office Action, the combination would not have taught or suggested all of the claimed limitations. Applicant therefore submits that claims 2 and 23 are not "obvious" over Rudell and Mical, and respectfully requests that the rejection of these claims under 35 U.S.C. §103 be withdrawn.

Claims 3-5 and 24-26 require a simulation program of a game system providing simulation related to an amount and/or direction of a movement (claims 3 and 24) or an impact (claims 4-5 and 25-26) applied to a housing such that the game space is put into a tilted state. The combination of Rudell and Mical fails to teach or suggest either of these claimed limitations. Mical discloses rotating the display on display screen 23 only upon the simultaneous selection of switches 44 and 45 as discussed above. For example, col. 5, lines 7-12 states "To implement the means for rotating the images on the display screen 23 by 180° an amount corresponding to the inversion of housing 22, the video control circuit is electro-

mechanically coupled to switches 44 and 45, respectively, on the video control housing." While Mical discloses tilting the entire display of screen 23 via selection of switches 44 and 45, Mical fails to teach or suggest providing game simulation related to an amount and/or direction of a movement (claims 3 and 24) or impact (claims 4-5 and 25-26) applied to the housing such that game space is put into a tilted state.

Accordingly, Applicant submits that claims 3-5 and 24-26 are not "obvious" over the combination of Rudell and Mical and therefore respectfully requests that the rejection of these claims under 35 U.S.C. §103 be withdrawn.

Claims 1, 6, 9, 11-14, 22, 27, 30 and 32-35 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Rudell. Claims 1 and 22 have been canceled. Claims 6, 9 and 11-14 now depend at least indirectly from claim 2 and claims 27, 30 and 32-35 now depend at least indirectly from claim 23. Applicant submits that claims 2 and 23 are allowable for the reasons discussed below. Claims 6, 9 and 11-14 are thus allowable at least by virtue of their respective dependencies from claim 2, and claims 27, 30 and 32-35 are allowable at least by virtue of their respective dependencies from claim 23. Applicant therefore respectfully requests that the rejection under 35 U.S.C. §102(e) over Rudell be withdrawn.

Claims 10 and 31 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Rudell. Since claim 10 and 31 now depend from claims 2 and

23, respectively, Applicant respectfully submits that these claims are allowable at least for the reasons discussed above.

Claims 7-8 and 28-29 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Rudell in view of Saito (U.S. '438). Claims 7-8 now depend at least indirectly from independent claim 2 and claims 28-29 now depend at least indirectly from independent claim 23. The above admission in the Office Action regarding Rudell (i.e., "Rudell lacks teaching the tilting of the apparatus to change game play functions.") thus applies equally to claims 7-8 and 28-29. Saito fails to remedy this deficiency of Rudell. Like Rudell, Saito fails to teach or suggest a simulation program providing simulation relating to a tilt applied to a housing of a game system. Applicant therefore respectfully submits that claims 7-8 and 28-29 are not "obvious" over Rudell and Saito and respectfully requests that the rejection of these claims under 35 U.S.C. §103 be withdrawn.

Claims 7-8 and 28-29 further require a change state detecting means (claims 7-8) or a change state detector (claims 28-29) being accommodated in a cartridge which is detachably loaded into a portable game apparatus. Saito discloses a cartridge 7 which may be detachably loaded into a game machine 1. However, Saito fails to disclose cartridge 7 accommodating a change state detecting means or a change state detector. Applicant therefore submits that claims 7-8 and 28-29 are not "obvious" under 35 U.S.C. §103 over Rudell and Saito.

New Claims:

New claims 43-44 have been added to provide additional protection for the elected invention. Claims 43 and 44 depend from claims 7 and 28, respectively. Applicant therefore submits that these claims are allowable for at least the reasons discussed above with respect to claims 7 and 28.

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE IN THE CLAIMS:

2. (Twice Amended) A game system having, in a related fashion, a game apparatus having game program storage means storing a game program, processing means for executing the game program, and display means to display an image based on the result of processing by the processing means, comprising:

a housing to be held by a player; and

change-state detecting means related to said housing for detecting at least one of an amount and a direction of a change applied to said housing,

wherein said game program storage means stores game space data including image data to display a space for game play, and a display control program causes said display means to display a game space based on the game space data;

a simulation program provides simulation based on an output of said change-state detecting means such that a state of the game space is changed related to at least one of a change amount and a change direction applied to said housing;

[A game system according to claim 1, wherein] said change-state detecting means is to detect, as said at least one change amount and change direction, at least one of an amount and a direction of a tilt applied to said housing, and

said simulation program provides simulation related to the at least one of an amount and a direction of a tilt applied to said housing such that the game space is put into a tilted state.

3. (Twice Amended) A game system having, in a related fashion, a game apparatus having game program storage means storing a game program, processing means for executing the game program, and display means to display an image based on the result of processing by the processing means, comprising:

a housing to be held by a player; and

change-state detecting means related to said housing for detecting at least one of an amount and a direction of a change applied to said housing,

wherein said game program storage means stores game space data including image data to display a space for game play, and a display control program causes said display means to display a game space based on the game space data;

a simulation program provides simulation based on an output of said change-state detecting means such that a state of the game space is changed related to at least one of a change amount and a change direction applied to said housing;

[A game system according to claim 1, wherein] said change-state detecting means detects, as said at least one change amount and change direction, at least one of an amount and a direction of a movement applied to said housing, and

said simulation program provides simulation related to the at least one of an amount and a direction of a movement applied to said housing such that the game space is put into a tilted state.

4. (Twice Amended) A game system having, in a related fashion, a game apparatus having game program storage means storing a game program, processing means for executing the game program, and display means to display an image based on the result of processing by the processing means, comprising:

a housing to be held by a player; and

change-state detecting means related to said housing for detecting at least one of an amount and a direction of a change applied to said housing,

wherein said game program storage means stores game space data including image data to display a space for game play, and a display control program causes said display means to display a game space based on the game space data;

a simulation program provides simulation based on an output of said change-state detecting means such that a state of the game space is changed related to at least one of a change amount and a change direction applied to said housing;

[A game system according to claim 1, wherein] said change-state detecting means detects, as said at least one change amount and change direction, at least one of an amount and a direction of an impact applied to said housing, and

said simulation program provides simulation related to the at least one of an amount and a direction of an impact applied to said housing such that the game space is put into a tilted state.

5. (Thrice Amended) A game system according to claim [1] 2, wherein said change-state detecting means is for detecting both of said amount and direction of a change applied to said housing, and

said simulation program provides simulation related to the both of an amount and a direction of an impact applied to said housing such that the game space is put into a tilted state.

6. (Twice Amended) A game system according to claim [1] 2, wherein said housing is a housing of said game apparatus, and

said game apparatus being a portable game apparatus having said display means provided integrally on one main surface of said housing.

9. (Twice Amended) A game system according to claim [1] 2, wherein said game program storage means includes a character data storage section to display a moving character movable on the game space, and

said game program storage means including a character control program to read out a moving character stored in said character data storage section and enable control related to at least one of a change amount and a change direction

applied to said housing based on an output of said change-state detecting means such that a display state of the moving character changes.

10. (Twice Amended) A game system according to claim [1] 2, wherein said game program storage means further includes a non-player character data storage section to display a non-player character to make a first action on the game space according to a predetermined program irrespectively of an operation by the player, and

said simulation program providing control such that the non-player character makes a first action previously determined by a program when any of change states in amount and direction is not detected by said change-state detecting means, and such that the non-player character makes in addition to the first action a second action related to at least one of an amount and a direction of a change based on an output of said change-state detecting means when at least one of the change states in amount and direction is detected by said change-state detecting means.

11. (Twice Amended) A game system according to claim [1] 2, wherein said game program storage means includes a character data storage section to display a moving character movable on the game space,

the game space data including data to display a particular area defined such that, when the moving character moves on the game space, the moving character is different in action from that in another [an other] area,

said simulation program controlling a display state of the moving character related to the at least one of an amount and a direction of a change applied to said housing based on an output of said change-state detecting means, and display-controlling, when the moving character moves on the game space, the moving character being different in action from that in other area.

12. (Twice Amended) A game system according to claim [1] 2, wherein the game space data includes space data to display a greater game space than a display area to be displayed by said display means,

the display control program including data to display on said display means image data of a part of the game space existing in a range of the display area of the game space, and

said simulation program simulating a state of only the game space existing in the display area based on the at least one of an amount and a direction of a change in an output of said change-state detecting means.

13. (Twice Amended) A game system according to claim [1] 2, wherein said change-state detecting means detects as a change amount a moving amount of said housing and as a change direction a moving direction,

the game space data including space data to display a game space greater than a display area of said display means, and

the display control program displaying on said display means a space area of a part of a game space corresponding to the display area, and gradually moving the display area of the game space in the moving direction by an area corresponding to the moving amount according to a movement of said housing.

14. (Amended) A game system according to claim [1] 2, wherein said game apparatus has operating means to be operated by a player on one main surface of said housing, and

said simulation program changing a state of the game space in a manner of simulation based on a detection output of said change-state detecting means and an operating state of said operating means.

23. (Amended) [A game system according to claim 22, wherein:]

A game system comprising:

a game apparatus having a game program memory storing a game program and game space data including image data to display a space for game play;

a processor for executing the game program;

a display to display an image based on a result of execution by the processor;

a housing to be held by a player; and

a change-state detector related to said housing for detecting at least one of an amount and a direction of a change applied to said housing,

wherein a display control program causes said display to display a game space based on the game space data;

a simulation program provides simulation based on an output of said change-state detector such that a state of the game space is changed related to at least one of a change amount and a change direction applied to said housing;

said change-state detector detects, as said at least one change amount and change direction, at least one of an amount and a direction of a tilt applied to said housing, and

said simulation program simulates the game space in a manner related to the at least one of an amount and a direction of a tilt applied to said housing such that the game space is put into a tilted state.

24. (Amended) [A game system according to claim 22, wherein:]

A game system comprising:

a game apparatus having a game program memory storing a game program and game space data including image data to display a space for game play;

a processor for executing the game program;

a display to display an image based on a result of execution by the processor;

a housing to be held by a player; and

a change-state detector related to said housing for detecting at least one of an amount and a direction of a change applied to said housing,

wherein a display control program causes said display to display a game space based on the game space data;

a simulation program provides simulation based on an output of said change-state detector such that a state of the game space is changed related to at least one of a change amount and a change direction applied to said housing;

said change-state detector detects, as said at least one change amount and change direction, at least one of an amount and a direction of a movement applied to said housing, and

said simulation program simulates the game space in a manner related to the at least one of an amount and a direction of a movement applied to said housing such that the game space is put into a tilted state.

25. (Amended) [A game system according to claim 22, wherein:]

A game system comprising:

a game apparatus having a game program memory storing a game program and game space data including image data to display a space for game play;

a processor for executing the game program;

a display to display an image based on a result of execution by the processor;

a housing to be held by a player; and

a change-state detector related to said housing for detecting at least one of an amount and a direction of a change applied to said housing,

wherein a display control program causes said display to display a game space based on the game space data;

a simulation program provides simulation based on an output of said change-state detector such that a state of the game space is changed related to at least one of a change amount and a change direction applied to said housing;

said change-state detector detects, as said at least one change amount and change direction, at least one of an amount and a direction of an impact applied to said housing, and

said simulation program simulates the game space in a manner related to the at least one of an amount and a direction of an impact applied to said housing such that the game space is put into a tilted state.

26. (Amended) A game system according to claim [22] 23, wherein:

said change-state detector detects both of said amount and direction of a change applied to said housing, and

said simulation program simulates the game space in a manner related to the both of an amount and a direction of an impact applied to said housing such that the game space is put into a tilted state.

27. (Amended) A game system according to claim [22] 23, wherein:

said housing is a housing of said game apparatus, and

said game apparatus is a portable game apparatus having said display provided integrally on one main surface of said housing.

30. (Amended) A game system according to claim [22] 23, wherein:

said game program memory includes a character data storage section to display a moving character movable on the game space, and

said game program memory includes a character control program to read out a moving character stored in said character data storage section and enables control related to at least one of a change amount and a change direction applied to said housing based on an output of said change-state detector such that a display state of the moving character changes.

31. (Amended) A game system according to claim [22] 23, wherein:

said game program memory further includes a non-player character data storage section to display a non-player character to make a first action on the game space according to a predetermined program irrespectively of an operation by the player, and

said simulation program provides control such that the non-player character makes a first action previously determined by a program when any of change states in amount and direction is not detected by said change-state detector and such that the non-player character makes, in addition to the first action, a second

action related to at least one of an amount and a direction of a change based on an output of said change-state detector when the at least one of change states in amount and direction is detected by said change-state detector.

32. (Amended) A game system according to claim [22] 23, wherein:

said game program memory includes a character data storage section to display a moving character movable on the game space,

the game space data includes data to display a particular area defined such that, when the moving character moves on the game space, the moving character is different in action from that in another area,

said simulation program controls a display state of the moving character related to the at least one of an amount and a direction of a change applied to said housing based on an output of said change-state detector, and display-controlling, when the moving character moves on the game space, the moving character being different in action from that in another area.

33. (Amended) A game system according to claim [22] 23, wherein:

the game space data includes space data to display a greater game space than a display area to be displayed by said display,

the display control program includes data to display on said display image data of a part of the game space existing in a range of the display area of the game space, and

said simulation program simulates a state of only the game space existing in the display area based on the at least one of an amount and a direction of a change in an output of change-state detector.

34. (Amended) A game system according to claim [22] 23, wherein:

said change-state detector detects as a change amount a moving amount of said housing and as a change direction a moving direction,

the game space data includes space data to display a game space greater than a display area of said display, and

the display control program displays on said display a space area of a part of a game space corresponding to the display area, and gradually moving the display area of the game space in the moving direction by an area corresponding to the moving amount according to a movement of said housing.

35. (Amended) A game system according to claim [22] 23, wherein:

said game apparatus has an operator to be operated by a player on one main surface of said housing, and

said simulation program changes a state of the game space based on a detection output to said change-state detector and an operating state of said operator.